

Date signed February 08, 2007



Paul Mannes

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

IN RE:

THOMAS R. PRYOR
BONNIE M. PRYOR

Debtors

Case No. 06-13245PM
Chapter 13

MEMORANDUM OF DECISION

This matter is before the court on the Trustee's objection to attorney's fees sought in this case of \$4,500.00 and the Debtors' opposition thereto. The matter came before the court for hearing on February 6, 2007. The court has carefully considered the arguments of the parties and the record of this case and finds that this is an unexceptional Chapter 13 case. Debtors scheduled \$38,653.00 in unsecured debt, secured debt consisting of a mortgage on their home, and, most notably, over \$36,000.00 in the form of a claim secured by a 2007 Chevy Tahoe purchased 103 days prior to the filing of this bankruptcy case on June 6, 2006. Payments on this vehicle are \$772.92 a month.

While counsel's Disclosure of Compensation filed pursuant to Bankruptcy Rule 2016(b) states that the law firm agrees to represent the Debtors for the duration of the bankruptcy proceeding, the fact is that counsel did not represent the Debtors in defense of a motion for relief from stay brought by the holder of the Note secured by Debtors' automobile. In exercising the court's responsibility under § 329(b) of the Bankruptcy Code to ascertain the reasonable value of the services rendered, the court finds that a fee of \$4,500.00 in the circumstances of this case is excessive. In making this decision, the court relies upon its own experience in examining

literally thousands of cases that pass through the bankruptcy process. The court will allow a total fee of \$3,750.00 to counsel for service rendered to Debtors, with \$1,750.00 having been paid initially and the balance of the compensation to be paid out at the rate of \$100.00 a month.

Counsel for the Trustee shall submit an appropriate order.

cc:

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Adam M. Freiman, Esq., 1777 Reisterstown Road, Suite 360, Baltimore, MD 21208,

United States Trustee, 6305 Ivy Lane, #600, Greenbelt MD 20770

Thomas/Bonnie Pryor, 4516 Summer Ridge Court, Mount Airy, MD

End of Memorandum